

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re ACCURAY INC. SECURITIES
LITIGATION

) Master File No. 4:09-cv-03362-CW
)

) CLASS ACTION
)

This Document Relates To:

) ~~PROPOSED~~ ORDER AWARDING LEAD
) COUNSEL ATTORNEYS' FEES AND
) EXPENSES
)

ALL ACTIONS.

DATE: September 1, 2011
TIME: 2:00 p.m.
CTRM: The Honorable Claudia Wilken

1 This matter having come before the Court on September 1, 2011, on the application of
2 counsel for the Lead Plaintiffs for an award of attorneys' fees and expenses incurred in the captioned
3 action, the Court, having considered all papers filed and proceedings conducted herein, having found
4 the settlement of this action to be fair, reasonable, and adequate and otherwise being fully informed
5 in the premises and good cause appearing therefore;

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

7 1. All of the capitalized terms used herein shall have the same meanings as set forth in
8 the Stipulation of Settlement, dated as of April 27, 2011 (the "Stipulation"), and filed with the Court.

9 2. This Court has jurisdiction over the subject matter of this application and all matters
10 relating thereto, including all Members of the Settlement Class who have not timely and validly
11 requested exclusion.

12 3. The Court hereby awards Lead Counsel attorneys' fees of 25% of the Settlement
13 Fund, plus reimbursement of litigation expenses in the amount of \$284,279.23 together with the
14 interest earned thereon for the same time period and at the same rate as that earned on the Settlement
15 Fund until paid. The Court finds that the amount of fees awarded is appropriate and is fair and
16 reasonable under the "percentage-of-recovery" method given the substantial risks of non-recovery,
17 the time and effort involved, and the result obtained for the Settlement Class. *See Vizcaino v.*
18 *Microsoft Corp.*, 290 F.3d 1043 (9th Cir. 2002).
19

20 4. The fees shall be allocated among counsel for the plaintiffs by Lead Counsel in a
21 manner that reflects each such counsel's contribution to the institution, prosecution, and resolution of
22 the captioned action.
23

24 5. The awarded attorneys' fees and expenses and interest earned thereon shall
25 immediately be paid to Lead Counsel subject to the terms, conditions, and obligations of the
26 Stipulation, and in particular ¶7.2 thereof, which terms, conditions, and obligations are incorporated
27 herein.
28

6. Pursuant to 15 U.S.C. §78u-4(a)(4), Lead Plaintiff Zhengxu He is hereby awarded \$346.72. Such reimbursement is appropriate considering Lead Plaintiff's participation in the ongoing prosecution of the litigation and the evidentiary support presented.

IT IS SO ORDERED.

DATED: 12/8/2011


THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

Submitted by:

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